

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY  
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

vs.

EDWARD J. McNATT

CR No. 182 - 1998

CR No. 183 - 1998



BEFORE THE HONORABLE OLIVER J. LOBAUGH, JUDGE,  
VENANGO COUNTY, PENNSYLVANIA, IN COURTROOM I,  
COURTHOUSE, FRANKLIN, VENANGO COUNTY,  
PENNSYLVANIA, OCTOBER 20, 1998,  
COMMENCING AT 4:24 p.m.

STATE SENTENCE

APPEARANCES:

Robert Grossi, Esquire - For the Commonwealth  
Assistant District Attorney  
Courthouse  
Franklin, Pennsylvania 16323

Blair Hindman, Esquire - For the Defendant  
Assistant Public Defender  
Courthouse  
Franklin, Pennsylvania 16323

Melissa R. Keating, RPR  
Official Court Reporter  
Courthouse  
Franklin, Pennsylvania 16323

1 THE COURT: I want to advise you of your legal  
2 rights.

3 Where a presentence investigation has been  
4 ordered, counsel has had the opportunity to inspect  
5 the report. Your counsel should go over the report  
6 with you before you appear for sentencing today.

7 Any sentence by this Court is intended to meet  
8 the criteria established by the Pennsylvania  
9 Sentence Code, the rules of the Pennsylvania Supreme  
10 Court, and the sentence guidelines applicable to  
11 your case.

12 We state that for anyone who's in pretrial  
13 confinement, your good conduct while in pretrial  
14 confinement has been a factor in your sentence and  
15 has been considered.

16 Any criminal record that is contained in a  
17 presentence investigation without a disposition of  
18 the charge was given no consideration in this  
19 sentence.

20 With regard to your sentencing, I now want to  
21 advise you of how you go about obtaining a review of  
22 your sentence and of the proceedings up to this  
23 point in the event you want this Court to review the  
24 proceeding or you want to appeal to an appellate  
25 court.

1                   If you pleaded guilty, you have a right, within  
2                   ten days from today, to file a motion with this  
3                   Court asking to be allowed to withdraw your guilty  
4                   plea. If you ask to be allowed to withdraw your  
5                   guilty plea, the Court will conduct a hearing. If  
6                   the Court finds that a manifest injustice would  
7                   occur if we denied your request to change your plea,  
8                   the Court would allow you to withdraw your guilty  
9                   plea.

10                  You also have the right to file a post-sentence  
11                  motion within ten days of sentence, challenging the  
12                  validity of your plea of guilty. For instance, you  
13                  could assert the plea was not intelligently or  
14                  voluntarily made by you.

15                  You could, within ten days following  
16                  sentencing, file a motion challenging the  
17                  jurisdiction of the Court or assert the  
18                  ineffectiveness of your trial counsel or assert that  
19                  your sentence is illegal. You also have the right  
20                  to file a motion to modify your sentence within ten  
21                  days from today.

22                  For those of you who did not plead guilty but  
23                  had a trial, in addition to your right to move to  
24                  modify the sentence, you have the right to file a  
25                  motion for judgment of acquittal and a motion for

1 new trial within ten days of sentencing.

2 You should understand that issues raised before  
3 or during trial shall be deemed preserved for appeal  
4 whether or not you elect to file post-sentence  
5 motions.

6 If you file post-sentence motions, the Court  
7 may schedule a time to file briefs within ten days.  
8 The judge must decide the post-sentence motion  
9 within 120 days of filing the motion, but may grant  
10 one extension of thirty days. If the judge fails to  
11 decide the matter within 120 days of filing -- or  
12 150 days with extension granted -- the motion will  
13 be deemed denied as a matter of law.

14 If your post-sentence motion is denied, you  
15 have the right to appeal the Sentence Order to the  
16 Pennsylvania Superior Court. Your right to appeal  
17 to the Pennsylvania Superior Court expires thirty  
18 days after the date of sentencing or thirty days  
19 after the Court files an Order resolving your  
20 post-sentence motion, if you have filed a  
21 post-sentence motion within ten days following  
22 sentencing.

23 If you file post-sentence motions or take an  
24 appeal, you have a right to counsel. If you cannot  
25 afford counsel, counsel will be appointed for you.

1 The counsel you presently have will continue to  
2 represent you in filing your post-sentence motion if  
3 that counsel is court appointed. However, you must  
4 inform counsel and discuss with counsel your desire  
5 that post-sentence motions be filed.

6 If the Court should rule favorably on your  
7 post-sentence motion, depending upon the nature of  
8 the relief sought, the sentence could be set aside  
9 or your guilty plea could be set aside and you could  
10 be granted a new trial, as would be appropriate. If  
11 the Court refuses your motion, as we have heretofore  
12 stated, your appeal lies with the Pennsylvania  
13 Superior Court. In any event, the appeal to the  
14 Pennsylvania Superior Court must be filed within  
15 thirty days either from the date of the sentence or  
16 thirty days from the date the Court acts finally on  
17 your post-sentence motion, whichever is later.

18 If you intend to appeal the Sentence Order to  
19 the Superior Court, it is possible to remain on bail  
20 pending appeal, but your counsel must discuss this  
21 topic with the Court during the sentence hearing.

22 You are advised that if you have other offenses  
23 pending within Venango County, you may want to  
24 discuss the other offenses with your defense  
25 attorney before you appear before the Court for

1 sentencing. Sentences frequently run concurrently.  
2 It may be in your best interests to have those other  
3 charges disposed of before you are sentenced on the  
4 present charges.

5 You are advised that if you were on parole at  
6 the time you committed the offenses for which you  
7 are being sentenced today, you may, as a matter of  
8 course, because of the sentence imposed today, be  
9 recommitted as a parole violator and ordered to  
10 serve the remainder of the term that you would have  
11 been required to serve had you not been paroled. In  
12 that event, your street time may be taken and you  
13 would be given no credit for the time while you were  
14 at liberty on parole.

15 In the course of the sentence hearing today,  
16 you have the right to call witnesses and present  
17 other information to the Court relative to your  
18 sentence. You may make a statement and your counsel  
19 may make a statement. The information should be  
20 related to your character, your physical and mental  
21 condition, or anything that extenuates or mitigates  
22 the circumstances relating to the offense which is  
23 the subject of this sentence hearing. You have the  
24 right to point out any inaccuracies of fact or  
25 erroneous conclusions that may exist in the

1 presentence or other reports that the Court has and  
2 is considering for purposes of your sentence.

3 Your fines, costs, and restitution are payable  
4 right away. In the event they are not paid within  
5 thirty days of the date of the sentence, you are  
6 subject to being cited for contempt for failure to  
7 pay fines, costs, and restitution. If you believe  
8 you do not have the capacity to pay your fines,  
9 costs, and restitution right away, you should meet  
10 with the Collections Coordinator, whose office is on  
11 the third floor of the Courthouse Annex, Room 321,  
12 and work out an extended payment agreement. If you  
13 have not entered into an extended payment agreement  
14 or paid the fines, costs, and restitution within  
15 thirty days of the date of sentence, or within 48  
16 hours of the date of release on parole, you will be  
17 subject to revocation of parole or contempt.

18 Thank you. You may be seated.

19 (Whereupon the cases were called individually  
20 for sentencing. The within case was called at  
21 4:24 p.m., at which time the Defendant  
22 approached the bar with counsel and sentencing  
23 proceeded as follows:)

24 MR. GROSSI: Commonwealth versus Edward McNatt.

25 THE COURT: Let the record show that the Defendant,

1 Edward J. McNatt, appears with counsel, Blair  
2 Hindman.

3 I've advised you of your legal rights. Did you  
4 understand those rights?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you have any questions you would  
7 like to ask me?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Do you understand how you may present  
10 evidence at this sentencing hearing?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Mr. Hindman, have you had an  
13 opportunity to review the presentence investigation  
14 report with your client?

15 MR. HINDMAN: Your Honor, we didn't have a  
16 presentence investigation. We did had have a rap  
17 sheet, which I reviewed and discussed with District  
18 Attorney Grossi.

19 THE COURT: That's right. I believe Mr. McNatt  
20 indicated at the time of his guilty plea that he had  
21 a presentence investigation report from another  
22 county and he would be furnishing that.

23 MR. HINDMAN: That's correct.

24 THE COURT: I believe that was checked into and  
25 there is no PSI in that other county.



1 MR. HINDMAN: I think he did get a chance to look  
2 at it in the other county, and we called up and  
3 didn't have any luck getting that faxed to our  
4 office. They, of course, would not give it to Mr.  
5 McNatt, so we were not able to --

6 THE DEFENDANT: The counselor at Houtzdale, she  
7 said it had to be a Court Order; it had to be  
8 Court Ordered in order for her to send it.

9 THE COURT: All right. We're going to proceed on  
10 the basis of this rap sheet today.

11 MR. HINDMAN: Yes, Your Honor.

12 THE COURT: Guidelines and ranges?

13 MR. GROSSI: Yes, Your Honor.

14 The Defendant at CR No. 182 of 1998 pleaded  
15 guilty to Forgery, a Felony of the Third Degree.  
16 That carries with it an Offense Gravity Score of  
17 three. The Defendant's Prior Record Score is five.  
18 Standard range sentence is --

19 THE COURT: I have R-Fel.

20 MR. GROSSI: Umm, that very well -- that could be  
21 the case, Your Honor. I -- repeat felon?

22 THE COURT: The Court has R-Fel for Prior Record  
23 Score. There's no -- I believe it yields a standard  
24 range of twelve to eighteen; aggravated would be  
25 plus three; and the mitigated would be minus three.

1 I believe that's true of the other case, CR 183 of  
2 1998.

3 MR. GROSSI: Well, the Defendant -- I don't know.  
4 I suppose so.

5 There's, like, six or seven prior forgery  
6 convictions, some of them are showing Felonies of  
7 the Second Degree. If that's so, then it probably  
8 would be R-Fel.

9 MR. HINDMAN: Your Honor, we agreed that it was  
10 five beforehand, but we had some difficulty with the  
11 rap sheet.

12 THE COURT: All right. Does the Commonwealth agree  
13 that it's five?

14 MR. GROSSI: The Commonwealth would stipulate that  
15 it's five.

16 THE COURT: All right. Which yields standard range  
17 sentences of --

18 MR. GROSSI: Six to sixteen months; aggravated  
19 range, sixteen to nineteen months; mitigated range  
20 sentence of three to six months.

21 Okay. The Defendant also pleaded guilty at CR  
22 183 of 1998 to Count Number 5, Theft by Deception, a  
23 Misdemeanor of the First Degree, which, once again,  
24 is an Offense Gravity Score of three, Prior Record  
25 Score of five, would be a standard range sentence of

1 six to sixteen months; sixteen to nineteen months in  
2 the aggravated range; and three to six months in the  
3 mitigated range.

4 Commonwealth has agreed to nol-pros the  
5 remaining counts.

6 The Defendant agrees to pay restitution on all  
7 five checks, including a \$20 charge on each check.

8 There is a victim impact statement from Henry  
9 Stricek, and he is seeking restitution at CR 183 of  
10 1998 of \$853.15.

11 At CR 182 of 1998, the -- the amount of  
12 restitution would be \$159.17.

13 THE COURT: And that's --

14 MR. GROSSI: And that's -- the victim in that case  
15 is William and Frances Reese.

16 THE COURT: I'm sorry. William --

17 MR. GROSSI: William and Frances, F-R-A-N-C-E-S,  
18 Reese.

19 THE COURT: Thank you.

20 MR. GROSSI: R-E-E-S-E.

21 The Defendant -- I believe the Defendant is  
22 currently serving a -- a state sentence on similar  
23 charges. The Defendant, obviously, has an  
24 incredibly long history of doing just what he's  
25 being sentenced here on, which is Forgery and

1 passing checks that have been forged, and  
2 Commonwealth recommends that any sentence given here  
3 would run consecutive to what he's now serving.

4 THE COURT: Thank you.

5 Mr. McNatt, you have an opportunity to make a  
6 statement.

7 MR. HINDMAN: Your Honor, before -- I think Mr.  
8 McNatt wants to make a statement later. I'd like to  
9 say a few things.

10 The other charges Mr. McNatt plead guilty to in  
11 Lackawanna County is the same charges we're talking  
12 about here today; very similar charges I should say:  
13 Forgery, Theft by Deception, et cetera. All these  
14 things occurred within a two to three week period,  
15 Your Honor.

16 Basically, Mr. McNatt was writing bad checks  
17 and/or signing names to the checks that were not  
18 his. He accepts --

19 THE COURT: Those are the problems he has in  
20 Lackawanna County.

21 MR. HINDMAN: These --

22 THE COURT: The other ones have accumulated over a  
23 lifetime.

24 MR. HINDMAN: These occurred several times in the  
25 past and he's not denying that.

1 I want to bring to the Court's attention those  
2 charges happened in a very short period of time.  
3 He's sentenced to two years two months to a six year  
4 maximum, and has been incarcerated in the state  
5 penitentiary since, I believe, mid-July of last  
6 year, 1997.

7 Your Honor, I think the charges here should be  
8 run concurrently, and I would also ask the Court to  
9 consider running these charges concurrently with the  
10 sentence he received in Lackawanna County because it  
11 was such a short period of time. Basically, he did  
12 do the acts. He forged his name on the checks and  
13 crossed county lines. That's the only reason why  
14 the charges were brought in two different counties.

15 Mr. McNatt has spoken to me on a few occasions  
16 and he has taken responsibility for what he's done.  
17 He doesn't say it was somebody else's fault.  
18 It wasn't, you know, I had a bad big brother or I  
19 had a rough upbringing. He has taken responsibility  
20 for his actions.

21 THE COURT: Made restitution?

22 MR. HINDMAN: He has made some restitution, I  
23 believe, but he's been -- it's been minimal because  
24 of his incarceration, Your Honor. He hasn't had the  
25 opportunity to work.

1 Since you brought that up, Your Honor, he

2 agrees with those amounts.

3 THE COURT: That's at CR 183, \$853.15.

4 THE DEFENDANT: (Nods head affirmatively.)

5 THE COURT: To Henry Stricek --

6 MR. HINDMAN: And the \$159-and-some-odd-cents.

7 I'm not sure what it was.

8 THE COURT: \$159.17, William and Frances Reese, CR  
9 182 of 1998.

10 MR. HINDMAN: Yes. He agrees to that.

11 Since he's been incarcerated, he's made some  
12 changes in his life. He has taken business classes.  
13 I believe he's trying to work towards some type of  
14 degree. And he's been a model inmate, and I think  
15 that should give some credit to what he's trying to  
16 do.

17 And I believe he did want to make some type of  
18 short statement.

19 THE DEFENDANT: Yes, Your Honor.

20 First thing, I'm sorry for what I  
21 done, not only for the crime but for the hurt  
22 and pain I've caused the victim.

23 Since being incarcerated for the  
24 past fifteen months, I finally passed my test  
25 for my business degree; pre-test anyway. Next

1 month I will be taking that test.

2 Not only that, Your Honor, I brought  
3 programs in the prison since I've been there.  
4 I run my own Christian counseling program in  
5 the jail.

6 I'm trying do everything, not to  
7 prove to anybody else, I'm sorry, but to prove  
8 to myself that I needed to change.

9 That's what I'd like to say, Your  
10 Honor.

11 THE COURT: All right. Thank you.

12 Anything further?

13 (No response.)

14 THE COURT: At CR 183 of 1998, the SENTENCE AND  
15 ORDER OF THE COURT on Count Number 5 is as follows:

16 AND NOW, October 20, 1998, THE SENTENCE AND  
17 ORDER OF COURT is that you, Edward J. McNatt,  
18 Defendant, pay the costs of prosecution, all other  
19 costs, pay a fine of \$300, and undergo imprisonment  
20 in a state institution of the Department of  
21 Corrections for an indefinite term, the minimum of  
22 which shall be sixteen months, the maximum of which  
23 shall be sixty months, to be computed from today's  
24 date, there to be kept, fed, clothed, and treated as  
25 the law directs, and stand committed to the Western

Diagnostic and Classification Center, Allegheny County, Pennsylvania, for compliance with the within sentence.

The Defendant shall make full restitution to the Clerk of Courts of Venango County for the use of Henry Stricek in the amount of \$853.15.

THE SENTENCE AND ORDER OF COURT at CR No. 182 of 1998, is as follows:

AND NOW, October 20, 1998, THE SENTENCE AND ORDER OF COURT is that you, Edward J. McNatt, Defendant, pay the costs of prosecution, all other costs, pay a fine of \$300, and undergo an imprisonment in a state institution of the Department of Corrections for an indefinite term, the minimum of which shall be sixteen months, the maximum of which shall be eighty-four months, to be computed from the expiration of the sentence imposed at CR 183 of 1998, there to be kept, fed, clothed, and treated as the law directs, and stand committed to the Western Diagnostic and Classification Center, Allegheny County, Pennsylvania, for compliance with the within sentence.

The Defendant shall make full restitution to the Clerk of Courts of Venango County for the use of William and Frances Reese in the amount of \$159.17.



The sentence imposed herein shall run consecutively to the sentence imposed at CR No. 183 of 1998.

The total period of confinement imposed by the sentences is thirty-two months to one hundred forty-four months.

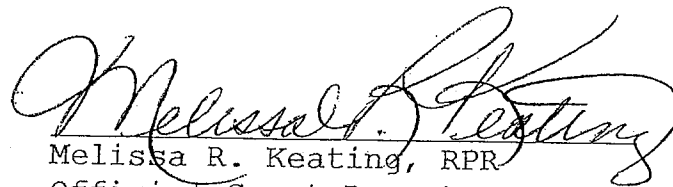
Mr. McNatt, we've considered the information in the presentence investigation report, your whopping criminal record. Apparently you've made a career out of this type of behavior. Obviously, you've come to the end of the line as a forger and a person who wants to engage in deception and fraud.

We impose this sentence because any lesser sentence would depreciate the seriousness of these crimes and because of your lengthy prior criminal record.

(Whereupon this case concluded at 4:39 p.m.)

CERTIFICATION

I hereby certify that the proceedings and evidence contained herein are a full and accurate transcription of the stenographic notes of testimony taken by me on the hearing of these proceedings, and that it is a full and complete transcribed record of same.

  
Melissa R. Keating, RPR  
Official Court Reporter

ORDER OF COURT

The foregoing record of the proceedings upon the hearing of the above cause, having been transcribed pursuant to the Rules of Judicial Administration, are hereby approved and directed to be filed.



---

OLIVER J. LOBAUGH, Judge